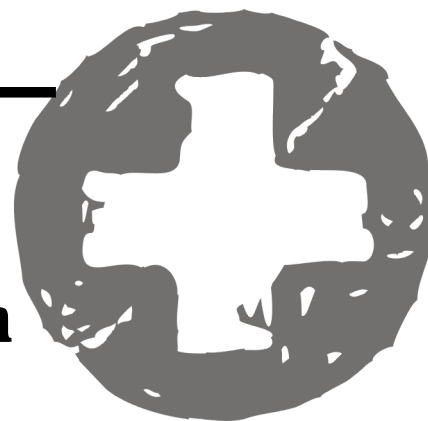

The International Committee of the Red Cross and the Enemy Prisoner of War Mission



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War presents the military police with many situations that are never dealt with in peacetime exercises. Some situations can be prepared for, some cannot. If you subscribe to the premise that knowledge is a combat multiplier, you want to be well prepared for the enemy prisoner of war (EPW) mission. Time constraints in professional development courses have left out some essential information about dealing with this mission. It is my hope that this article will prepare future MP leaders for facing this mission.

History

Henry Dunant, a Swiss citizen, wrote a book about the suffering he witnessed among the casualties at the battle of Solferino, Italy, during the War of Italian Unification in 1859. People were horrified at the suffering of the wounded and dying soldiers. The book was a huge success. One influential man, Gustave Moynier, was impressed by Mr. Dunant's book and presented it to a local charity that he chaired, which then established a five-member committee to study Mr. Dunant's proposals.¹ The committee met for the first time on 17 February 1863. This committee became known as the International Committee of the Red Cross (ICRC) because of the distinctive emblem that distinguished its members from the others on the battlefield.

In 1863, the ICRC convened an international conference in Geneva to study methods of overcoming the problem of inadequate military medical services. The convention ended with the adoption of ten resolutions providing for the establishment of the future Red Cross and Red Crescent societies. In August 1864, 16 states signed the *Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field*—the first modern international humanitarian law.² The first convention merely dealt with the issue of battlefield casualties and said nothing about the treatment of prisoners. The Geneva Convention of 1929 was the first convention to deal with the treatment of prisoners of war. The convention arrangements were first tried out during the Chaco War (1932-1935) between Bolivia and Paraguay. Interestingly, neither of these two countries was a signatory to the 1929 convention.³

The 1929 convention has all the proceedings and practices that we are familiar with today. Prisoners are—

- To be separated by rank and sex.
- Only required to give to their captors certain information.
- To be fed, clothed, and protected from public curiosity.

A novel provision of the 1929 convention is Article 27, which provides that the capturing party will pay captive officers the same pay that the equivalent rank in their army receives. This pay was to be remunerated by the officer's country at the end of the hostilities. There is no provision made for the pay of noncommissioned officers or other enlisted persons.⁴

The land warfare laws as they are now practiced are governed primarily by the 1949 Geneva Convention. The ICRC is the primary organization that attempts to ensure that belligerent parties adhere to the convention's principles. The 1949 convention has four parts called *protocols*. The first protocol deals with the treatment of sick and wounded soldiers. The second concerns the care and treatment of shipwrecked sailors. The third protocol is the one of most concern to MP soldiers, because it covers prisoners of war.⁵ The fourth deals with civilians and the occupation of countries.

What to Expect Today

The third protocol gives the ICRC the right to inspect prisons. It should be noted that the ICRC will inspect civil prisons in countries that are involved in a conflict—as they did the Shibergan Prison in Afghanistan.⁶ In some cases, the ICRC has even built a prison to ensure better living conditions for detainees.⁷ Here,

one important ICRC recruiting practice comes into play: the ICRC makes it a point not to hire any local translators for their work in prisoner of war camps. They feel that this places those individuals in a position where undo pressure could be placed upon them, so only third-party translators are used. As an MP soldier, you need to realize that foreign nationals from the ICRC will be visiting your facility. This will be the case even if the facility you are running has a “no foreign” access policy.

Confidentiality is a hallmark of the work done by the ICRC. The visiting teams’ reports are only shared with the authorities of the detaining power and with their higher headquarters. The work of the ICRC is only possible if there is mutual trust and goodwill on the part of all the participants. Discretion is crucial to the success of their mission.⁸ When the delegates interview a detainee, they do so in private. As a result, only the delegate, the detainee, and an interpreter (if necessary) are in the room during the actual interview. Privacy during the interview process is seen as critical in getting the detainees to speak candidly about their treatment after they were captured. The ICRC has four main goals regarding prisoner treatment:

- To prevent or stop disappearances and extrajudicial killings.
- To prevent or end torture and ill-treatment.
- To improve detention conditions where necessary.
- To restore contact between detainees and their families.⁹

The idea of disappearances and extrajudicial killings may seem far-fetched in an area under the operational control of the U.S. Army, but the ICRC deals with many warring factions in various countries. You only need to look at Rwanda to see a country that experienced many killings while it was supposedly under the control of United Nations peacekeepers. Bosnia has a history of extrajudicial killings as well.

Torture is another idea that has no place in the Army. Unfortunately, it has an ill-defined place in the lexicon of the ICRC, which refuses to define the term based on the view that what is torturous is drawn largely from the concept of what is taboo in a given society. This can create some friction when dealing with the delegates. What Americans view as torturous and what the delegates view as torturous may not be the same thing. Thus, if allegations are made, it is crucial to get

specifics about what was supposedly done. Without knowing exactly what the complaints are, you may go about trying to solve the wrong problem. Since the delegates view the problem with a different perspective, ask for their opinion about remedying the situation. This allows you to see their underlying concern and explore how to meet with their approval. These may or may not be workable solutions. Do not expect the delegates to tell you which prisoner made the complaints. Shielding the identity of the prisoner is viewed as integral to the process.

The delegates always seek to improve the physical lot of the detained individuals. They seek better food and better living and recreational conditions as part of their mandate. To you and your soldiers, this can seem maddening. You might feel that you can never do enough to make the delegates happy. You will probably feel that some of the prisoners in your custody are eating better and living better than they did before their capture. How they lived before their capture is not relevant. Once they are in U.S. custody, we must maintain good standards for them, the standards that the United States agreed to when it signed the convention. One of the leadership challenges you will have is that your troops, no matter how well-trained and well-disciplined they are, will and must consider these noncombatants to be the enemy. It is a challenge to the company-level leadership to help the troops maintain the balance necessary to keep sharp. The distinctions between an enemy soldier and an EPW must be dealt with constantly.

Allowing captured troops to communicate with their families is one of the most important things the ICRC does. For captured soldiers, the ability to communicate with their families is a relief; they want their families to know that they are alive. The ICRC gives them a means by which to do this—the Red Cross message. These are simple messages that EPWs may send to their families. The simple, two-sided form contains the name and address of the person to whom the message is to be sent, the name of the sender, and a small message. These messages, both incoming and outgoing, are screened to ensure that they do not contain any information about the facility where the person is being held or any other information of intelligence value. It is the responsibility of the ICRC to ensure that the messages are delivered. The detainees look forward to the chance to send messages to their families—they enjoy

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messages from home just as much as any American soldier. These messages are considered to be personal property and should be added to a detainee's personal property inventory. In this way, the property can remain with the individual if he is transferred or released.

Conclusion

The ICRC has existed for 140 years. While the scope of its activities has changed, its basic mission has not. In any future conflict that the U.S. Army Military Police Corps engages in, whether it is stability and support or internment and resettlement operations, chances are that the ICRC will be there too. By knowing what to expect, we can facilitate future EPW operations.

Endnotes

¹International Committee of the Red Cross, *Founding and Early Years of the Red Cross (1863-1914)*, <www.icrc.org/Web/Eng> (29 July 2003).

²International Committee of the Red Cross, *The Chaco War (1932-1935)*, 12 June 2002, <www.icrc.org/Web/Eng> (29 July 2003).

³Ibid.

⁴Ibid.

⁵Ibid.

⁶Burt Herman, "Famished Prisoners Welcome Full-Blown Red Cross Feeding Program," *The Associated Press*, 21 April 2002.

⁷"Rwanda: ICRC Awaits Opening of New Detention Facility," *ICRC News*, 9 June 1995, p. 36.

⁸Gary Hill, "ICRC: Keeping Prisoners of War and Political Prisoners Safe," *Corrections Compendium*, 25 May 2000, pp. 8-13.

⁹International Committee of the Red Cross, "Protecting Prisoners and Detainees in Wartime," <www.icrc.org/Web/Eng> (29 July 2003).
